

HOUSE BILL 628
EMERGENCY BILL

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C2

2001 Regular Session
1r1144

By: **Delegate Busch**

Introduced and read first time: February 7, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Docking Masters and Bay Pilots - Corrective Bill**

3 FOR the purpose of making certain technical corrections to provisions relating to
4 docking masters and bay pilots; altering the date on which the term of an
5 appointed member of the State Board of Docking Masters begins; repealing
6 certain oath requirements; clarifying the circumstances when a docking master
7 must be employed; providing that, for certain training trips occurring before a
8 certain date, independent supervision and verification satisfies certain
9 licensure requirements; ratifying and validating certain corrections made by the
10 publisher of the Annotated Code; making this Act an emergency measure; and
11 generally relating to docking masters and bay pilots.

12 BY repealing and reenacting, without amendments,
13 Article - Business Occupations and Professions
14 Section 5.5-101(b), 5.5-202(a), 5.5-205, and 5.5-304(c)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Business Occupations and Professions
19 Section 5.5-202(e), 5.5-208, 5.5-401, and 11-208
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2000 Supplement)

22 BY repealing
23 Article - Business Occupations and Professions
24 Section 5.5-207 and 11-207
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Business Occupations and Professions
29 Section 5.5-302

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2000 Supplement)
3 (As enacted by Chapter 509 of the Acts of the General Assembly of 2000)

4 BY repealing and reenacting, without amendments,
5 Article - Public Utility Companies
6 Section 4-303.1
7 Annotated Code of Maryland
8 (1998 Volume and 2000 Supplement)

9 BY repealing and reenacting, with amendments,
10 Chapter 509 of the Acts of the General Assembly of 2000
11 Section 4

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Business Occupations and Professions**

15 5.5-101.

16 (b) (1) "Association" means an association of State licensed docking masters
17 established by a majority of the individuals who satisfy the licensure requirements of
18 this title on October 1, 2000.

19 (2) An individual who does not meet the licensure requirements of this
20 title may not be a member of the Association.

21 DRAFTER'S NOTE:

22 Error: Extraneous comma in § 5.5-101(b)(2) of the Business Occupations
23 and Professions Article.

24 Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the
25 Annotated Code in the 2000 Supplement of the Business Occupations and
26 Professions Article is validated by this Act.

27 5.5-202.

28 (a) (1) The Board consists of 5 members.

29 (2) Of the 5 members of the Board:

30 (i) 2 shall be licensed docking masters;

31 (ii) 1 shall be a representative of a towing boat company serving the
32 Port of Baltimore; and

33 (iii) 2 shall be consumer members.

1 (3) The Governor shall appoint each member with the advice of the
2 Secretary and the advice and consent of the Senate.

3 DRAFTER'S NOTE:

4 Error: Incorrect reference to the number of Board members in §
5 5.5-202(a)(2) of the Business Occupations and Professions Article.

6 Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the
7 Annotated Code in the 2000 Supplement of the Business Occupations and
8 Professions Article is validated by this Act.

9 (e) (1) The term of an appointed member is 2 years and begins on [July]
10 OCTOBER 1.

11 (2) The terms of the members are staggered as required by the terms
12 provided for members on October 1, 2000.

13 (3) At the end of a term, a member continues to serve until a successor is
14 appointed and qualifies.

15 (4) A member who is appointed after a term begins serves only for the
16 rest of the term and until a successor is appointed and qualifies.

17 (5) An appointed member may not serve more than 2 terms
18 consecutively.

19 5.5-205.

20 In addition to any powers set forth elsewhere, the Board shall:

21 (1) adopt regulations and pass orders to govern and regulate licensed
22 docking masters;

23 (2) be responsible for safety in providing docking services;

24 (3) keep a list of all licensees;

25 (4) keep a record of its proceedings; and

26 (5) adopt an official seal to authenticate its proceedings, official records,
27 and licenses.

28 DRAFTER'S NOTE:

29 Error: Stylistic error in § 5.5-205 of the Business Occupations and
30 Professions Article.

31 Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the
32 Annotated Code in the 2000 Supplement of the Business Occupations and
33 Professions Article is validated by this Act.

1 [5.5-207.

2 Before a member of the Board may examine an applicant for a license, the
3 member shall take the following oath:

4 "I, _____, do (swear) (affirm) that I will impartially examine and inquire into the
5 capacity, skill, and experience of the applicant or applicants in providing docking
6 services and will admit them if I find them qualified or reject them if I find them
7 unqualified, without favor or reward."]

8 [5.5-208.] 5.5-207.

9 The Board exercises its powers, duties, and functions subject to the authority of
10 the Secretary.

11 5.5-302.

12 (A) To qualify for a docking master license, an applicant shall:

13 (1) be at least 21 years old;

14 (2) be a citizen of the United States;

15 (3) provide the Board with proof of recent satisfactory completion of the
16 physical requirements for a first-class pilot license, as determined by the U.S. Coast
17 Guard;

18 (4) agree to participate in a U.S. Coast Guard approved random drug
19 testing program;

20 (5) possess the following U.S. Coast Guard licenses and accreditations:

21 (i) a first-class pilot license for steam and motor vessels of
22 unlimited tonnage for the waters on which the applicant will operate;

23 (ii) a U.S. Coast Guard issued masters license for steam or motor
24 vessels;

25 (iii) unlimited radar observer endorsement;

26 (iv) certification by the U.S. Coast Guard of successful completion of
27 an accredited bridge resource management program; and

28 (v) Automatic Radar Piloting Aid (ARPA) certification;

29 (6) have a minimum of 5 years' experience in the maritime industry
30 working on vessels in the deck department as a licensed master or mate on tugs or
31 inspected vessels, of which at least 2 years' experience shall be operating a ship assist
32 harbor tug as a licensed master;

(7) complete the following training requirements determined by the Board, including:

(i) observation from the bridge of a vessel of a minimum of 300 dockings or undockings in the Port of Baltimore, with at least 25% occurring at night; and

(ii) performing a minimum of 250 dockings, shiftings, or undockings in the Port of Baltimore under the supervision of a licensed docking master, with at least 25% occurring at night, at least 100 of which shall be performed in the 24 months preceding the applicant's application to the Board, with at least 25% occurring at night; and

(8) meet the physical requirements for the docking pilots license, as determined by the Board, and submit to an annual physical examination.

DRAFTER'S NOTE:

Error: Tabulation error in § 5.5-302(a) of the Business Occupations and Professions Article.

Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the error in § 5.5-302(a) of the Annotated Code in the 2000 Supplement of the Business Occupations and Professions Article is ratified by this Act.

(b) (1) Verification of the training trips required under subsection (a)(7) of this section shall be attested to and signed by a licensed docking [pilot] MASTER.

(2) For an applicant who has completed 250 dockings, shiftings, or undockings required for licensure as a docking master on or before October 1, 2000, independent verification of the number of dockings shall be provided to the Board by the applicant.

5.5-304.

(c) If the applicant qualifies for a license under this title, and the Board determines that additional licenses are necessary based upon the safety and well-being of operations in the Ports of Maryland, the Board shall send the applicant a notice stating that:

(1) the applicant has qualified for the license; and

(2) the Board will issue a license to the applicant on receipt of a license fee of \$600.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5.5-304 of the Business Occupations and Professions Article.

Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the

1 Annotated Code in the 2000 Supplement of the Business Occupations and
2 Professions Article is validated by this Act.

3 5.5-401.

4 Except as otherwise provided in this title, a licensed docking master shall be
5 employed for:

6 (1) maneuvering [a] EACH AMERICAN vessel ENGAGED IN FOREIGN
7 TRADE AND EACH FOREIGN VESSEL during the berthing or unberthing operations
8 with tug assistance; or

9 (2) shifting a vessel within a port with tug assistance.

10 [11-207.

11 Before a member of the Board may examine an applicant for a license, the
12 member shall take the following oath:

13 "I, _____, do (swear) (affirm) that I will impartially examine and inquire into the
14 capacity, skill and experience of the applicant or applicants in providing pilotage and
15 will admit them as I find them qualified or reject them if I shall find them
16 unqualified, without favor or reward."]

17 [11-208.] 11-207.

18 The Board exercises its powers, duties, and functions subject to the authority of
19 the Secretary.

20 **Article - Public Utility Companies**

21 4-303.1.

22 (a) The Commission shall establish fees and charges for a licensed docking
23 master to provide docking services in the Ports of Maryland at a just and reasonable
24 rate.

25 (b) The Commission shall give notice and hold a public hearing on each rate
26 proposal as provided in this article.

27 (c) In determining a just and reasonable rate, the Commission shall consider:

28 (1) the draft, dimensions, and tonnage of the vessel;

29 (2) the difficulty and inconvenience of the particular service and the time
30 and skill required to render the service;

31 (3) the time required to render docking service at other United States
32 ports and the fees and charges for the service;

(4) the public interest in maintaining efficient and reliable docking service; and

(5) other factors relevant to the determination of a just and reasonable rate.

(d) A docking master licensed under Title 5.5 of the Business Occupations and Professions Article may not demand or receive a different compensation for providing docking services than the rate set by the Commission under this section.

(e) The Commission shall impose an assessment on the association based on assessment guidelines established for public service companies under § 2-110 of this article.

(f) All fees and charges provided by applicable law shall remain in effect until changed by the Commission.

DRAFTER'S NOTE:

Error: Incorrect section designation in § 4-303.1 of the Public Utility Companies Article.

Occurred: Ch. 509, Acts of 2000. Correction by the publisher of the Annotated Code in the 2000 Supplement of the Public Utility Companies Article is validated by this Act.

Chapter 509 of the Acts of 2000

SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Board of Docking Masters shall expire as follows:

(1) [3] 2 members in 2002;

(2) [3]2 members in 2003; and

(3) 1 member in 2004.

DRAFTER'S NOTE:

Error: Incorrect reference to the number of board members in Section 4 of Ch. 509, Acts of 2000.

Occurred: Ch. 509, Acts of 2000.

SECTION 2. AND BE IT FURTHER ENACTED, That, for purposes of satisfying the training requirements for qualification for a docking master license, for training trips occurring before October 1, 2000, independent supervision and verification of the training trips satisfies the requirements of § 5.5-302(a)(7) and (b) of the Business Occupations and Professions Article as enacted by Section 1 of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
2 contained in this Act are not law and may not be considered to have been enacted as
3 part of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health and safety,
6 has been passed by a ye and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from
8 the date it is enacted.